IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22033 of 2004

Between:

Y. Mariamma, W/o Late Anandarao,
Near M.D.O. Office, Hunkumpeta, Visakhapatnam - 531 077.

..... PETITIONER

AND

1 Andhra Bank, Personnel Department, Head Office,
rep. by its Chief Officer (IR), Hyderabad.
2 Andhra Bank, Personnel Department, Head Office,
rep. by its Assistant General Manager (Per), Hyderabad.
3 Andhra Bank, Personnel Department, Zonal Office,
rep. by its Deputy General Manager, Seethammadhara, Visakhapatnam.
4 Andhra Bank, Narsipatnam Branch, rep. by its Branch Manager,

Narsipatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or a Writ one in the nature of Mandamus declaring (i) the Lr.No. 666/3/R/598, dt. 7-1-04 of the 1st respondent and Lr.No. 666//3/R/2, dt.27-4-02 of the 2nd respondent, as illegal, arbitrary and discriminative in nature and by setting aside the same consequently direct the respondents to provide employment to Mr. Y.Sodara Murthy, the elder son of the petitioner in any suitable post, under compassionate grounds forthwith.

Counsel for the Petitioner:MR.A.SRINIVASA SARMA

Counsel for the Respondent Nos.1 to 4: MR.NUTY RAM MOHAN RAO

The Court at the stage of admission, made the following :

ORDER:

This writ petition is filed to issue a writ of mandamus declaring Lr.No.666/3/R/598 dated 7.1.2004 of the 1st respondent and Lr.No.666/3/R/2, dated 27.04.2002 of the 2nd respondent as illegal and arbitrary and to set aside the same and consequently direct the respondents to provide employment to the petitioner forthwith in any suitable post under compassionate grounds.

The grievance of the petitioner is that her husband died on 5.07.2000 while he was working in the 1st respondent-Bank. Therefore, she made an application to the respondents to give a suitable appointment on compassionate grounds. By an order dated 7.1.2004, the same was rejected on the ground that the application does not fit into the existing guidelines and therefore, the application of the petitioner has not been considered favourably.

The learned counsel for the petitioner contended that though the application of the petitioner contained all the details, the same has not been considered, in

accordance with the scheme, by the respondent-Bank and therefore, the impugned proceedings have to be set aside.

On the other hand, the learned counsel for the respondent-Bank contended that for giving appointment on compassionate grounds, a scheme has been framed by the respondent-Bank and the application of the petitioner will have to be considered as per the scheme, made by the competent authority.

The facts are in narrow compass. The application of the petitioner was rejected on the ground that her application does not fit into the existing guidelines. The order under challenge does not contain any reasons whatsoever except stating that the application does not fit into the existing guidelines. The competent authority is required to give the reasons as to why the case of the petitioner does not fall into any of the categories or the guidelines as framed by the respondent-Bank for the purpose of making appointment on compassionate grounds. Therefore, the impugned proceedings are liable to be set aside.

The writ petition is accordingly allowed and the impugned proceedings are set aside. There shall be a direction to the respondent-Bank to consider the case of the petitioner, in accordance with the scheme, framed by it. For any reason the application of the petitioner does not fit into the existing guidelines, the same shall have to be communicated with reasons. No order as to costs.

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15.12.2004

NOTE: Office to furnish C.C by one week

(B.O)

bsv

To

1. The Chief Officer (IR)Andhra Bank, Personnel Department,

Head Office, Hyderabad.

2 The Assistant General Manager (Per), Andhra Bank, Personnel

Department, Head Office, Hyderabad.

3 The Deputy General Manager, Andhra Bank, Personnel Department,

Zonal Office, Seethammadhara, Visakhapatnam.

4 The Branch Manager,Andhra Bank, Narsipatnam Branch,

Narsipatnam, Visakhapatnam District.

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